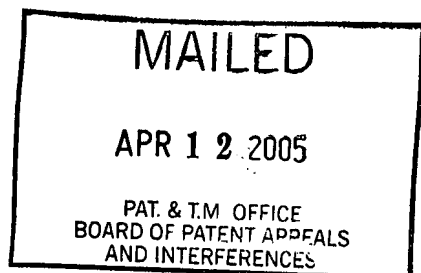




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge James T. Moore
Telephone: 571-272-9797
Facsimile: 571-273-0042



Patentees: BERGSMA
Application No.: 08/938,548, now Patent No.
6,001,963, granted 12/14/99
Filed: 09/26/97
For: Novel ligands of the neuropeptide receptor
HFGAN72

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,280.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

JAMES T. MOORE
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105,280

Paper No. 23

Name: Derk J. Bergsma et al.

Serial No.: 08/938,548

Patent No. 6,001,963, granted 12/14/99

Title: Novel ligands of the neuropeptide receptor HFGAN72

Filed: 09/26/97

Interference with Sutcliffe et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

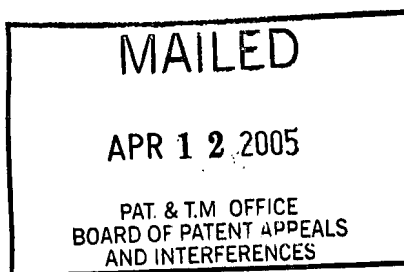
Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

Filed by:
James T. Moore¹
Administrative Patent Judge
Mail Stop Interference
P.O. Box 1450
Alexandria VA 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042



Paper 1

Filed:
April 12, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DERK J. BERGSMA,
and
MASASHI YANAGISAWA
Junior Party
(Patent 6,001,963),

v.

J. GREGOR SUTCLIFFE,
KAARE M. GAUTVIK, LUIS De LECEA,
FLOYD E. BLOOM, PATRIA E. DANIELSON,
VIGDIS T. GAUTVIK, THOMAS S. KILDUFF
and PAMELA E. FOYE
Senior Party
(Application 09/735,138).

Patent Interference No. 105,280

DECLARATION

¹ As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, subsequent papers in this case originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application, patent, count, and claims designated as corresponding to or as not corresponding to the count appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge James T. Moore has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **June 1, 2005 at 1:00 p.m.** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: BERGSMA, DERK J.; Berwyn, PA
YANAGISAWA, MASASHI; Dallas, TX

Patent: 6,001,963, issued December 14, 1999; from
application 08/938,548 filed September 26, 1997

Title: NOVEL LIGANDS OF THE NEUROPEPTIDE RECEPTOR HFGAN72

Assignee: SMITHKLINE BEECHAM CORPORATION
ONE FRANKLIN PLAZA
PHILADELPHIA, PENNSYLVANIA 19103

Accorded Benefit: 08/887,382, filed July 02, 1997
08/820,519, filed March 19, 1997

Senior Party

Named Inventors: SUTCLIFFE, J. GREGOR; Cardiff, CA
GAUTVIK, KAARE M.; San Diego, CA
DE LECEA, LUIS; Del Mar, CA
BLOOM, FLOYD E.; San Diego, CA
DANIELSON, PATRIA E.; San Diego, CA
GAUTVIK, VIGDIS T.; San Diego, CA
KILDUFF, THOMAS S.; Menlo Park, CA
FOYE, PAMELA E.; San Diego, CA

Application: 09/735,138, filed December 12, 2000

Title: HYPOTHALAMUS-SPECIFIC POLYPEPTIDES

Assignee: None

Accorded Benefit: 09/230,896, filed February 02, 1999 (Patent 6,635,479)
PCT/US97/13657, filed August 01, 1997
60/023,220, filed August 02, 1996

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd.R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

DERK J. BERGSMA,
and
MASASHI YANAGISAWA
Junior Party
(Patent 6,001,963),

v.

J. GREGOR SUTCLIFFE,
KAARE M. GAUTVIK, LUIS De LECEA,
FLOYD E. BLOOM, PATRIA E. DANIELSON,
VIGDIS T. GAUTVIK, THOMAS S. KILDUFF
and PAMELA E. FOYE
Senior Party
(Application 09/735,138).

Patent Interference No. 105,280

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,01,963
Copy of claims of 09/735,138

Revised September 2004

cc (via overnight delivery):

Attorney for **BERGSMA**:

SMITHKLINE BEECHAM CORPORATION
709 SWEDELAND ROAD
P O BOX 1539
KING OF PRUSSIA PA 19406-0939

Attorney for **SUTCLIFFE**:

OLSON & HIERL, LTD.
36th Floor
20 North Wacker Drive
Chicago IL 60606